IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8104 OF 2004

Bhartiya Suraksha Rakshak & General
Kamgar Union ..Petitioner.
Vs.
The Security Guards Board & Ors. ..
Respondents.

...

Mr. I.S. Thakur for the Petitioner.
Ms. Pallavi Divekar instructed by Ms. Lata Desai for Respondent No.1.
Mr. K.S. Bapat for Respondent No.3.

...

CORAM: KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

20th April, 2006.

P.C. (DR. D.Y. CHANDRACHUD, J.) :

1. This Petition has been moved by a trade union registered under the Trade Unions Act, 1926 in regard to the services of six security guards whose names have been listed out in Exh. A to the Petition. These security guards are stated to have been employed for watch and ward duty in the establishment of the Second Respondent through the Third Respondent which is a security guards agency for more than two years. By a notification dated 5th

December, 2002, the provisions of the Maharashtra Private Security Guards (Regulation of Employment & Welfare) Act, 1981 and a scheme framed thereunder came to be applied to Pune and other districts. The grievance of the Petitioner is that the Second Respondent in whose establishment the security guards have been employed has not applied for registration nor have the guards been registered by the First Respondent. This Court while issuing notice for final disposal had directed on 14th October, 2004 that the Second and Third Respondents shall maintain the status quo in respect of the security guards listed at Exh.A to the Petition till further orders.

2. The attention of the Court has been drawn to series of orders passed by Division Benches of this Court inter alia in Writ Petition (St.) No.49397 of 2002 (Maharashtra Rajya Suraksha Rakshak & General Kamgar Union v. Security Guards Board for Gr. Bombay & Thane District) on 10th January, 2003 and in Writ Petition 2496 of 2003 (Suraksha Rakshak & General Kamgar Sena v. The Security Guards Board for Gr. Bombay & Thane District) on 31st July, 2003. In terms of those orders, we dispose of this Petition with the following directions :

i) Reading the relevant provisions of the Act and the Scheme, it is clear that for getting the benefits of the Act, the Petitioner's members have to get themselves registered with the Board. The learned counsel for the Petitioner stated that they would make an appropriate application for getting registration with the Board. Such an application will be made within ten days from today. The Board will consider the same, and take an appropriate decision in accordance with law, keeping in mind the provisions of the Act and the Scheme as amended from time to time;

ii) The Second Respondent shall, within a period of four weeks from today, make an application for registration as required by law upon which the First Respondent shall take an appropriate decision. In the event that the Second Respondent fails and neglects to do so, it would be open to the First Respondent to take necessary steps in accordance with law;

iii) Thereafter the Board would follow the provisions of the Act and the scheme by supplying security guards. As far as possible while allotting the services of security guards the Board will keep in mind the fact that the Security guards whose names are shown

in Exh. A have worked with the Second Respondent. The Board should try to accommodate them as far as possible;

iv) The ad interim relief granted by this Court on 14th October, 2004 will continue till the disposal of the application of the Petitioner as well as of the Second Respondent by the Board.

The Petition shall stand disposed of in these terms.

There shall be no order as to costs.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)